

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROBERT HOPES,)
)
Plaintiff,)
)
v.) Case No. 3:07-cv-101 DRH
)
UNITED STATES DEPARTMENT OF)
JUSTICE, et al.,)
)
Defendants.)

ORDER SETTING HEARING

Currently pending before the Court is a Motion to Set New Briefing Schedule for *Pavey* Hearing filed by Defendants Jeffrey Eberhart and Jerry Key (Doc. 134). For the reasons set forth below, this motion is **GRANTED**. The Court orders the following:

1. The Defendants are **ORDERED** to respond to any discovery requests submitted by Plaintiff related to the exhaustion of administrative remedies by **February 1, 2010**.
2. The undersigned magistrate judge will hold an in-person hearing on the question whether Plaintiff has exhausted his administrative remedies on **February 17, 2010, at 2:00 p.m.** in the East St. Louis Federal Courthouse. Prior to the hearing, the parties may submit briefs, affidavits, and exhibits relevant to the question of exhaustion. Briefs, affidavits, and exhibits are due **February 12, 2010**.
3. The undersigned will make a written Report and Recommendation to the presiding United States District Judge recommending a factual determination on the exhaustion issue based on the evidence presented at the hearing.

IT IS SO ORDERED.

DATED: January 25, 2010

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge